

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1379 be amended to read as follows:

- 1 Page 3, line 6, after "deposited" insert "**or transferred**".
- 2 Page 3, delete lines 9 through 42, begin a new paragraph and insert:
- 3 "(e) As used in this section, "record" or "recording" includes the
- 4 functions of recording, filing, and filing for record.
- 5 (f) The county recorder shall post the fees set forth in subsection (b)
- 6 in a prominent place within the county recorder's office where the fee
- 7 schedule will be readily accessible to the public.
- 8 (g) The county recorder may not tax or collect any fee for:
- 9 (1) recording an official bond of a public officer, a deputy, an
- 10 appointee, or an employee; or
- 11 (2) performing any service under any of the following:
- 12 (A) IC 6-1.1-22-2(c).
- 13 (B) IC 8-23-7.
- 14 (C) IC 8-23-23.
- 15 (D) IC 10-17-2-3.
- 16 (E) IC 10-17-3-2.
- 17 (F) IC 12-14-13.
- 18 (G) IC 12-14-16.
- 19 (h) The state and its agencies and instrumentalities are required to
- 20 pay the recording fees and charges that this section prescribes.
- 21 SECTION 2. IC 36-2-7-10.1, AS AMENDED BY P.L.171-2006,
- 22 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 23 JULY 1, 2007]: Sec. 10.1. (a) As used in this section, "bulk form"
- 24 means:
- 25 (1) a copy of all recorded documents received by the county
- 26 recorder for recording in a calendar day, week, month, or year;
- 27 (2) the indices for finding, retrieving, and viewing all recorded
- 28 documents received by the county recorder for recording in a
- 29 calendar day, week, month, or year; or
- 30 (3) both subdivisions (1) and (2).
- 31 (b) As used in this section, "bulk user" means an individual, a

corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

(1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

(1) **Five Six cents (\$0.05) (\$0.06)** per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.

(2) **Five Six cents (\$0.05) (\$0.06)** per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with

bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

- (1) in the ordinary course of the business of the bulk user; and
- (2) by customers of the bulk user.

(k) The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold in:

(1) bulk form or separated into one (1) or more copies of recorded documents or indices, or both, and resold as separate copies; and

(2) a single transaction or on a continuing or subscription basis.

~~(k)~~ (l) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with section ~~10(c)~~ **10 (d)** of this chapter.

~~(l)~~ (m) This section does not apply to enhanced access under IC 5-14-3-3."

Delete pages 4 through 5.

(Reference is to EHB 1379 as printed March 23, 2007.)

Senator LAWSON C